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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,639	11/14/2000	Haithem Albadawi	01333	8847

1333 7590 06/02/2005

PATENT LEGAL STAFF  
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343 STATE STREET  
ROCHESTER, NY 14650-2201

EXAMINER
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YODER III, CHRISS S

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/712,639

Applicant(s)

ALBADAWI ET AL.

Examiner

Chriss S. Yoder, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claim 11-13 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 15, filed 12/23/2004 have been fully considered but they are not persuasive.

Applicant argues that the current invention as claimed applies an image processing algorithm to a subsampled image that is not post production. However, the examiner points out that this limitation is not present in claim 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 11-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry (US Patent # 5,457,491).
2. In regard to claim 11, note Mowry discloses the use of a video tap apparatus integrated with a digital capture device (figure 1: 1) for converting a sequence of motion images into a sequence of modified motion images that enables previewing an available post-production look (column 3, lines 30-43), said apparatus comprising a full resolution image sensor system for capturing a sequence of color motion images, resulting in a captured sequence of full resolution unprocessed color signals corresponding to the

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color motion images (column 8, lines 40-45), a recorder for recording the full resolution unprocessed color signals (figure 1: 2, and column 8, lines 45-46), a camera output for providing the recorded full resolution unprocessed color signals to a post-production process where the images will be subsequently rendered in a post-processing stage to simulate a particular look (figure 1: 4-13, column 9, lines 1-16), a processor for applying one or more image processing algorithms to the unprocessed color signals to simulate the looks that can be rendered in post-production (column 10, lines 7-13; and figure 1: 13), and providing a sub-sampled image for real time preview of simulated post-production processing (column 11, lines 26-30; and figure 1: 18), thereby resulting in processed color signals, a display device for displaying the processed color signals as a sequence of modified images (column 11, lines 26-30, and figure 1: 20).

Therefore, it can be seen that in this embodiment, the Mowry reference fails to explicitly disclose that the simulation of the particular look occurs contemporaneously with the recording of the full resolution unprocessed color signals by said recorder. However, Mowry does disclose that in order to enhance the system, a cascade filtering circuit could be added in order to more quickly modify the pixel data so that the user can preview and view modifications of scenes in real time (column 11, lines 45-53). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Mowry device to include the simulation of the particular look that occurs contemporaneously with the recording of the full resolution unprocessed color signals by said recorder in real time so that the user does not have to adjust option settings of only a single image but rather the appearance of a real time image signal.

3. In regard to claim 12, note Mowry discloses that the motion images are electronically captured by a digital camera (figure 1: 1).

4. In regard to claim 13, note Mowry also discloses that the motion images can be received from film that is electronically captured by a film scanner (figure 5: 52; and column 4, lines 64-67).

5. In regard to claim 15, note Mowry discloses the use of a method for converting a sequence of motion images, captured by an electronic image capture system (figure 5: 51/52), into a sequence of modified motion images providing the appearance of motion images captured by a motion capture system and subsequently rendered in a post-processing stage to simulate a particular look (column 3, lines 30-43), said method comprising the steps of capturing a sequence of motion images using an image sensor system, resulting in a captured sequence of digital image signals corresponding to the motion images captured by the motion capture system (column 3, lines 30-43); providing the motion images captured by the motion capture system to a post-production process where the images will be subsequently rendered in a post-processing stage to simulate a particular look (column 13, lines 35-40; and figure 5: 59); applying, within the image capture system, one or more image processing algorithms to the digital image signals to simulate the particular look rendered in the post-processing stage, thereby resulting in processed image signals (column 13, line 35-40; figure 5: 69 is considered to be the equivalent of the post-processing stage with an algorithm to add grain to the images); and displaying the processed image signals as a sequence of modified images (figure 5: 70).

***Allowable Subject Matter***

Claims 1-10 and 14 allowed.

As for claim 1, the prior art does not teach or fairly suggest the use of a method of capturing a sequence of images having a first and second path for directing the full resolution unprocessed image signals, the first path records the full resolution unprocessed image signals, then performing a post-production process on the recorded image signal, and the second path is directed to sub-sample, in real time, the full resolution unprocessed image signals, applying an image processing algorithm to the sub-sampled image signal, and displaying the modified image signal.

As for claim 10, the prior art does not teach or fairly suggest the use of a method of capturing a sequence of images having a first and second path for directing the full resolution unprocessed image signals, the first path records the full resolution unprocessed image signals, then performing a post-production process on the recorded image signal, and the second path is directed to sub-sample, in real time, the full resolution unprocessed image signals, applying an image processing algorithm to the sub-sampled image signal, and displaying the modified image signal.

Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US004885787: note the use of storage of process and unprocessed image signals.

US004642678: the use of a cascade filtering circuit could to more quickly modify the pixel data so that the user can preview and view modifications of scenes in real time.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

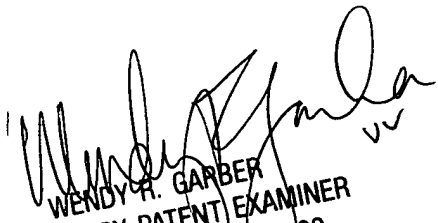
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (571) 272-7323. The examiner can normally be reached on M-F: 8 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY  
May 27, 2005

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
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